

## **REMARKS**

### **Summary of the Office Action**

The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required.

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 1-7, as best understood, stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Curtis (U.S. Patent No. 6,163,391) (hereinafter "Curtis").

Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Curtis.

### **Summary of the Response to the Office Action**

Applicants have newly-amended the abstract of disclosure so that it falls within the 150 word format suggested by the USPTO. Applicants have newly amended independent claim 1 and dependent claims 2-8 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Accordingly, claims 1-8 remain currently pending and under consideration.

### **Objection to the Abstract**

The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. The Abstract has been newly-amended so that it falls within the 150 word format

suggested by the USPTO. Accordingly, withdrawal of the objection to the abstract and the associated requirement for correction in this regard is respectfully requested.

**Rejection under 35 U.S.C. § 112, Second Paragraph**

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicants have newly-amended independent claim 1 and dependent claims 2-8 in order to improve the form of the claims in response to the Examiner's comments at pages 2-3 of the Office Action. Applicants respectfully submit that all of the currently pending claims, as amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

**Rejection under 35 U.S.C. §§ 102(a) and 103(a)**

Claims 1-7, as best understood, stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Curtis. Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Curtis. Applicants have newly amended independent claim 1 and dependent claims 2-8 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that the applied Curtis reference discloses a different technology from the claimed invention as described in detail in the following remarks.

Therefore, Applicants believe the rejections under 35 U.S.C. § 102(b) and 103(a) based on Curtis should be withdrawn for at least these reasons.

Curtis discloses a hologram recording apparatus which records an interference pattern of the object beam 440 and the reference beam 425 into the recording medium 427. The information in the recording medium 427 can be reconstructed by using only a reconstructing illumination beam. In the Office Action, the Examiner refers to the recording medium 427 as an element corresponding to the claimed reconstruction image or reconstruction light. Further, in the rejection directed to claim 3, the Examiner refers to the lens positioned at a right side of SLM as an element corresponding to the claimed reconstruction image converting optical system. In this case, a plane including the point 435 corresponds to the claimed back focal plane of the reconstruction image converting optical system.

Applicants respectfully submit that in the hologram recording apparatus of Curtis, as can be seen from Figs. 13 and 14, the recording medium 427 is not arranged on the plane including the point 435 because the recording medium 427 records an interference pattern formed by the object beam 440 and the reference beam 425. In contrast thereto, the claimed reconstruction light is light reaching an observation region where the observation of a reconstruction image obtained through diffraction of a specified order in the claimed spatial light modulation element is permitted. Also, the peaks of the reconstruction light are produced on the back focal plane of the reconstruction image converting optical system. As described above, Applicants respectfully submit that Curtis does not teach, or even suggest, the construction as defined in independent claim 1 of the instant application. Therefore, Applicants believe the claimed invention clearly distinguishes from the disclosure of Curtis for at least these reasons.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Curtis does not teach or suggest each feature of newly-amended independent claim 1 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)."

Applicants respectfully assert that the dependent claims 2-8 are allowable at least because of their dependence from independent claim 1 and the reasons discussed previously.

### **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

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any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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Respectfully submitted,

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